

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

CALVIN LAMAR

PLAINTIFF

v.

CIVIL ACTION NO. 2:06CV122-SAA

**MICHAEL J. ASTRUE, Commissioner
of Social Security**

DEFENDANT

FINAL JUDGMENT

The defendant, the Commissioner of Social Security, has moved to remand this action [14] citing 42 U.S.C. § 405(g), which provides that this court may enter a judgment affirming, modifying, or reversing the Commissioner's decision with or without a rehearing. The plaintiff has not opposed the instant motion, and it is now ripe for disposition.

The defendant asserts, upon urging by agency counsel, that the Appeals Council determined that remand was appropriate for further consideration of the plaintiff's claims. The motion states that the Commissioner would instruct the ALJ to "further develop the record for the period prior to December 1, 2004, and to consider the impact of Plaintiff's subsequent favorable determination on her pending applications." (Def.'s Mot. at 2.) In light of defendant's representations and the lack of opposition by the plaintiff, the court finds that the motion is well taken and that it should be granted, which will dispose of this action. Accordingly, a separate order of judgment reversing the Commissioner's final decision and remanding this action shall issue contemporaneously with this order.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) The Commissioner's Motion to Remand is **GRANTED**; therefore,
- (2) This case is **REMANDED** to the Social Security Appeals Council for further

consideration; and

(3) This case is **CLOSED**.

SO ORDERED this the 14th day of June, A.D., 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE